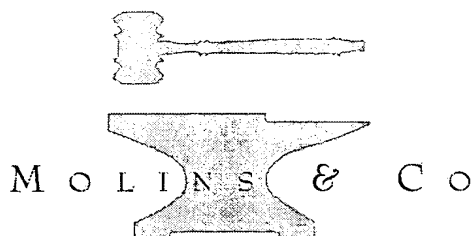




IFW



AUSTRALIAN AND US PATENT ATTORNEYS

Commissioner of Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria VA 22313-1450
United States of America

By EFS - *Confirmation Copy By Fedex*

In Re Application of: Keith James Hensel
US Application Number: 10/562,025 ✓
Filing Date: 22 December 2005
Title: Juicer
Group Art Unit: 3742
Examiner: Paik, Sang Yeop
Attorney Docket No: BRE0308U

31 January 2011

RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sirs,

The Applicant is in receipt of an Office Action dated 4 August 2010 issued on the above referenced application.

In response to the Office Action, the Applicant is forwarding an Affidavit of Richard Hoare (the Affidavit) under separate cover, with an electronic scanned copy attached herewith. This Affidavit presents objective evidence for establishing non-obviousness of the presently claimed invention, and specifically deals with:

- necessary design and development associated providing made by the Applicant a product in accordance with the teachings of the invention;
- the commercial success of, and log felt for, the product made by the Applicant in accordance with the teachings of the invention;
- evidence of commercial copying and acquiescence

It would be noted that, in arriving at the claimed invention, substantial design and development was undertaken by a person skilled in the art. While the Examiner appears to suggest that substitution of materials between metal and plastic as alternatives would have been obvious, it is respectfully submitted that this conclusion is not supported by the cited documents and is contrary to the evidence presented in the Affidavit. In particular, the evidence presented in the Affidavit identifies a number of failed design attempts by a person skilled in the art for arriving at the claimed invention.

Noting that the presently claimed invention - as defined below - involves substantially more than mere substitution of materials, a useful invention combining a polymeric cap and a metal feed tube having a gasket interposed there between would not have been obvious to a person of ordinary skill in the art.

21. A lid for an electric juicing device, the lid comprising:
 - a polymeric cap in which is formed an opening;
 - the opening accommodating and having attached to it, a metal feed tube;
 - the feed tube having a circumferential flange that is affixed to the cap;
 - a gasket being interposed between the flange and the cap;
 - the gasket further comprising a neck and a surrounding ring, the neck sealing between the feed tube and a vertical rim of the cap.

It is therefore respectfully submit that in the light of the objective evidence provide by way of the Affidavit – showing development concepts and commercial success of a Juicer having the features of the presently claimed invention – that the claimed invention of the pending application would not have been obvious to a person of ordinary skill in the art, as at the priority date. Subsequent commercial copying and acquiescence further supports a conclusion that the claimed invention of the pending application was would not have been obvious to person of ordinary skilled in the art.

The Examiner is urged to carefully consider the Affidavit. Accordingly, reconsideration and further examination of the application is respectfully requested in the light of the present remarks.

It is respectfully requested that the pending rejections to the independent claim 21 be withdrawn for at least the reasons presented herein and in the light of the attached

US Application Number: 10/562,025 (Our Ref: BRE0308U)

affidavit. Similarly, the rejections to the dependent claims are also requested to be withdrawn based on their dependency from an allowable independent claim.

Please charge any deficiency in the fees due to our Deposit Account No. 503458 in the name of Molins & Co.

Regards,



Michael Molins
Reg. No. 31785
Customer No. 33372

Encl. Richard Hoare Affidavit